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CHAIRMAN



COMMISSIONERS
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REV. DAVID L. TERRY, 3RD DISTRICT
RICHARD C. JONES, 5TH DISTRICT

S. C. STATE LIBRARY

OCT 22 1992

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State of South Carolina

State Ethics Commission

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MAY - JUNE, 1992

NEWSLETTER

92-005

COMMISSION OFFICE MOVES

The Commission has moved from Suite 111 to Suite 250, 5000 Thurmond Mall. The Commission's post office box and telephone numbers remain the same

SEC AO92-068

JUNE 10, 1992

CITY COUNCILMEMBER PARTICIPATING IN WATER RATE INCREASE MATTER

A city Councilmember who works for a business which sells treated water to the city would not be prohibited from voting on the city budget which includes provisions for passing on the water rate increase to customers.

SEC AO92-080

MAY 27, 1992

USE OF PUBLIC FACILITIES BY FORESTRY COUNCIL

The State Ethics Commission knows of no reason why the SC Urban and Community Forestry Council, which is related to the Forestry Commission, could not utilize Forestry Commission resources of an incidental nature to carry out its responsibilities.

SEC AO92-083

MAY 27, 1992

DEPARTMENT OF EDUCATION EMPLOYEE CO- AUTHORING BUSINESS EDUCATION TEXTS

An employee of the Department of Education would not be prohibited from co-authoring textbooks consistent with the off-duty employment guidelines. She is cautioned to follow the provisions of Section 8-13-700(B) and of the restriction of Section 8-13-775.

SEC AO92-095

MAY 27, 1992

PARTICIPATION OF EMERGENCY RESPONDERS IN HAZARDOUS TRAINING PROGRAM

Emergency responders would not be prohibited from attending a hazardous materials training program conducted by DuPont.

SEC AO92-111

MAY 27, 1992

POST-EMPLOYMENT PROVISIONS OF ETHICS REFORM ACT

An employee of a regulatory agency who has no regulatory jurisdiction over a federal installation would not be prohibited from accepting employment with that installation.

SEC AO92-116

MAY 27, 1992

**AWARDS TO HIGHWAY PATROL TROOPERS OF
THE YEAR**

Finalists for the Highway Trooper of the Year are not prohibited by ethical rules from accepting awards presented by the SC Petroleum Council and other donors. The Secretary of State's Office should be contacted concerning the relationship with a lobbyist or lobbyist principal.

SEC AO92-121 MAY 27, 1992

**POST-EMPLOYMENT RESTRICTIONS OF
CONSULTANT**

A former employee of the Department of Education would not be prohibited from consulting with state and local agencies, including the Department of Education.

SEC AO92-127 MAY 27, 1992

**DEPARTMENT OF EDUCATION EMPLOYEE
REVIEWING BOOKS**

An employee of the Department of Education would not be precluded from being paid a fee for reviewing a manuscript in accordance with the off-duty employment guidelines. She is advised to follow the procedures of Section 8-13-700(B) on official matters affecting the adoption of the manuscript as a textbook.

SEC AO92-128 MAY 27, 1992

**POST-EMPLOYMENT RESTRICTIONS OF
CONSULTANT**

A former employee of the Department of Education would not be prohibited from consulting with local school districts, however, she is prohibited from lobbying the Department or representing clients before the Department for a period of twelve months from her date of leaving employment within the Department.

SEC AO92-130

JUNE 10, 1992

**CONFIDENTIALITY PROVISIONS OF ETHICS
ACT**

A city councilmember who has a complaint filed against him may request council in executive session to provide legal counsel for his defense without providing details of the complaint. An open session vote can be taken without disclosing the nature of the complaint or the agency with which the complaint was filed.

SEC AO92-151

MAY 27, 1992

HONORARIA-MEDICAL CENTER PERSONNEL

Faculty members of hospital administrative staff are prohibited from accepting anything of value for giving speeches in their "official capacity". The sponsoring group may reimburse the employee's agency for associated costs and the agency may reimburse the employee in accordance with agency travel reimbursement policies. Such employees are not prohibited from receiving honoraria or expense reimbursement for speeches which are not within their "official capacity".

SEC AO92-154

MAY 27, 1992

**POLICE OFFICERS UTILIZING CITY-OWNED
EQUIPMENT IN OFF-DUTY EMPLOYMENT**

Police officers may utilize uniforms, weapons, and like equipment in off-duty security work in accordance with Section 23-23-10 when properly approved by the law enforcement agency and governing body and when no additional public expense is involved.

SEC AO92-157

MAY 27, 1992

**OFF-DUTY EMPLOYMENT OF AGENCY
DIRECTOR**

The Director of the Environmental Certification Board is not prohibited from engaging in off-duty employment in the voluntary licensing of water distribution and wastewater collection personnel since his agency does not regulate the voluntary licensees.

SEC AO92-159 MAY 27, 1992

MEMBERS SERVING ON PRIVATE INDUSTRY COUNCIL AND CONDUCTING BUSINESS WITH AGENCY

If public members are authorized to perform an official function regarding a contract as defined in Section 8-13-775, they would be prohibited from bidding on and performing such contracts. Absent this official function, board members would be permitted to bid on and perform such contracts, provided the procedures of Section 8-13-700(B) are followed.

SEC AO92-160 MAY 27, 1992

PUBLIC OFFICEHOLDERS/LANDOWNERS PARTICIPATING IN SEEDLING DISTRIBUTION PROGRAM AND LANDOWNER ASSISTANCE PROGRAM

Public officeholders are not prohibited from participating in a pine seedling distribution program or landowner assistance program provided such programs are available on the same terms to all participants.

SEC AO92-161 MAY 27, 1992

USE OF PUBLIC AGENCY FACILITIES FOR PRIVATE ASSOCIATION MEETINGS

The State Ethics Commission does not believe that a public agency is prohibited from making its meeting room available to a private organization when such facilities are made available on similar terms to other organizations. The

Division of General Services should be contacted concerning this matter.

SEC AO92-165 MAY 27, 1992

SPOUSE OF PUBLIC SAFETY OFFICER RUNNING FOR CITY COUNCIL

The spouse of a city council member may continue as an employee of the city without violating the Ethics Reform Act. The council member may vote on general salary increases for city employees but may not participate in personnel issues or salary raises for the family member which are not general personnel policies or general salary increases.

SEC AO92-166 JUNE 10, 1992

USE OF PROPRIETARY VOICE-MAIL SYSTEM

A state agency would not be prohibited from utilizing a voice-mail system connecting the agency with courthouse staff.

SEC AO92-167 MAY 27, 1992

CORRECTIONAL CENTER DIRECTOR CONSULTING WITH OTHER JAILS

A correctional center director would not be prohibited from consulting with other jail facilities in accordance with the off-duty employment guidelines.

SEC AO92-169 MAY 27, 1992

COUNTY ATTORNEY REPRESENTING CLIENTS BEFORE MAGISTRATE

A County Attorney is advised against representation of clients on matters in which the Sheriff's Office is the arresting agency. He is also advised against representing clients in magistrate's court when he has advised the magistrate's office on legal matters.

SEC AO92-171

MAY 27, 1992

SERVICE ON BABCOCK CENTER BOARD AND
REGIONAL MENTAL RETARDATION BOARD

A member of a mental retardation board is not prohibited from also serving on the board of a service provider, however, such member is advised to follow the provisions of Section 8-13-700(B) concerning matters affecting the economic interests of such service provider.

SEC AO92-172

MAY 27, 1992

VENDOR SUPPORT OF CONFERENCES

Vendors may assist with sponsorship of a conference by contributing to a general conference support fund without supporting any particular event. Vendors may pay fees for booth space with such fees being utilized for general conference support.

SEC AO92-173

MAY 27, 1992

APPRAISAL WORK BY TAX COMMISSION
EMPLOYEES

Employees of the Tax Commission are not prohibited from conducting appraisals of property not within the responsibility of the Commission consistent with the off-duty employment guidelines and the guidelines established by the Tax Commission.

SEC AO92-174

MAY 27, 1992

INVOLVEMENT OF PUBLIC EMPLOYEE IN
MATTER AFFECTING HIS PERSONAL
PROPERTY

An employee would not be prohibited from carrying out his position responsibilities involving a project which may improve the value of his property if his interests are no different than those of a large group of affected landowners. He is

advised against utilization of confidential information to affect his economic interests.

SEC AO92-175

MAY 27, 1992

STATUS OF ADVISORY BOARD MEMBERS

Members of an advisory board appointed by a city manager are not public members and, thus, are not subject to the restrictions of the Ethics Reform Act.

SEC AO92-176

MAY 27, 1992

HIGHWAY OFFICIALS RECEIVING
COMPLIMENTARY CONFERENCE
REGISTRATION

Highway officials who are conference program speakers may receive complimentary registration from the sponsoring organization to attend the remainder of the conference when the registration fee is incidental to the preparation and presentation of the speech.

SEC AO92-177

JUNE 10, 1992

ACCEPTANCE OF MEALS FROM OTHER
OFFICEHOLDERS

Public officeholders are not prohibited from accepting meals if not given to influence official actions, however, they must be reported on the Statement of Economic Interests if they exceed \$25 a day or \$200 a year from certain individuals.

SEC AO92-178

MAY 27, 1992

EMERGENCY MEDICAL SERVICES PERSONNEL
COVERING SPECIAL EVENTS

EMS may contract with event sponsors to pay expenses associated with the provision of EMS services.

SEC AO92-180

MAY 27, 1992

TEXTBOOK EVALUATION COMMITTEE MAKEUP AND PROCEDURE

Textbook evaluation committee members may conduct 30 minute interviews with textbook publishers without violating the Ethics Reform Act.

SEC AO92-181 MAY 27, 1992

HHS EMPLOYEES SERVING ON BOARDS OF LOCAL HEALTH CARE PROVIDER AGENCIES

An employee of the Health and Human Services Finance Commission is not prohibited from also serving on the board of a service provider, however, such employee is advised to follow the provisions of Section 8-13-700(B) concerning matters affecting the economic interests of such service provider.

SEC AO92-183 MAY 27, 1992

ARMY RECRUITERS OFFERING EDUCATOR TOURS TO STATE EMPLOYEES

The State Ethics Commission advises that public employees would not be prohibited from accepting meals and tours provided by Army Recruiters which are provided equally to all participants.

SEC AO92-186 MAY 27, 1992

ASSOCIATION AWARDS SPONSORED BY PRIVATE INDUSTRY

Private industry is not prohibited from sponsoring certain awards for law enforcement officers. The Commission advised against industry sponsorship of hospitality rooms or meals but instead advised the association to follow a procedure for seeking overall industry support of the entire conference. There is no prohibition against the Association co-sponsoring an award for the Law Enforcement Officer of the Year. The Commission also

suggested that the Secretary of State's Office be contacted concerning relationships with lobbyists and lobbyist principals.

SEC AO92-188 JUNE 10, 1992

ETV EMPLOYEES RECEIVING PASSES TO TRADE SHOW

ETV employees would not be prohibited from accepting passes to the National Association of Broadcasters trade show since the passes allow attendance at the entire show with the employees receiving no specific advantage than any other attendee.

SEC AO92-189 JUNE 10, 1992

REGISTRATION BY BALLOT ISSUE GROUP

A committee supporting a potential ballot issue is required to file a Statement of Organization within five days after receiving or expending \$500 and must file a Campaign Disclosure Form within ten days after reaching the \$500 threshold.

SEC AO92-190 JUNE 10, 1992

HIRING OF SPOUSE OF TEC DIRECTOR

The spouse of a technical education center director would not be prohibited from being hired, provided the director takes no action regarding the hiring and has no supervisory or management authority over the spouse.

SEC AO92-192 MAY 27, 1992

TOURISM COMMISSION MEMBER AS TOUR OPERATOR

A regional tourism commission member would be prohibited from participating in a tourism program if she has to perform an official function regarding the program. If

not authorized to perform an official function, she is advised to follow the provisions of Section 8-13-700(B) when required to take action or make decisions regarding her participation in the program.

SEC AO92-194 MAY 27, 1992

ENGINEERING FIRM PROVIDING DINNER TO PUBLIC OFFICEHOLDERS

The State Ethics Commission would advise that public employees or officials weigh the impact on a case by case basis of offers by vendors who have contracts with a school district to provide meals.

SEC AO92-195 MAY 27, 1992

PARTY CHAIRMAN SERVING ON VOTER REGISTRATION BOARD

A political party chairman is not prohibited from also serving on the Voter Registration Board, however, he and the political party are prohibited from representing clients before any agency of county government.

SEC AO92-197 MAY 27, 1992

BOOK DISTRIBUTOR PAYING TRAVEL EXPENSES FOR LIBRARIANS AND SCHOOL PERSONNEL

Travel expenses for librarians to travel to a book distribution warehouse may be reimbursed to the employee's agency by the vendor. A larger discount may be provided to the agency without violating the Ethics Reform Act.

SEC AO92-198 MAY 27, 1992

BOARD MEMBER CONDUCTING BUSINESS WITH AGENCY

A Board Member is not prohibited by the Ethics Reform Act from contracting with the Board if he is

not authorized to perform an official function regarding such contracts.

SEC AO92-199 JUNE 10, 1992

PAYMENT OF EXPENSES TO ATTEND MEETING

A state agency director may receive travel and expenses provided by a foreign government and two national organizations provided such expenses incurred for participating in the meeting are in accordance with state travel reimbursement policies.

SEC AO92-200 MAY 27, 1992

POST-EMPLOYMENT

An employee engaged in certification and permitting would be prohibited from seeking employment from an engineering firm for a period of one year, when such employment involves a certification or permitting matter in which the employee was directly and substantially involved.

SEC AO92-201 JUNE 10, 1992

COUNTY COUNCILMEMBERS VOTING ON SCHOOL BUDGET

Council Members who are school district employees or who are married to a school district employee may participate in the deliberations and votes on the school district budget issue since their interest is no greater than that of all other school district employees.

SEC AO92-203 JUNE 10, 1992

CONTRIBUTION LIMITS FOR 1990 ELECTION DEBT

A former candidate who is retiring a debt from a 1990 election campaign is not restricted in the amount of contributions which may be accepted,

in accordance with Section 8-13-1318.

SEC AO92-206 JUNE 10, 1992

OFF-DUTY EMPLOYMENT OF CONTINUUM
EMPLOYEE

A public employee may be associated with an organization which contracts with her agency if she is not authorized to perform any official function regarding such contracts.

SEC AO92-209 MAY 27, 1992

BOARD CANDIDATE RELATED TO BOARD
EMPLOYEE

A family member of a Public Works Board member may continue as an employee of that Board without violating the Ethics Reform Act. Board members who have family members employed may vote on general salary increases for Board employees but may not participate in salary raises which are not general salary increases. He also may not participate in disciplinary action involving the family member.

SEC AO92-211 JUNE 10, 1992

SOLICITATION OF DONATIONS

Employees of the Department of Social Services are not prohibited from soliciting individuals, businesses, clubs, or schools to provide funds or goods to assist with agency activities.

SEC AO92-238 JUNE 10, 1992

FOUNDATION DIRECTOR BEING PAID BONUS

The State Ethics Commission advises that the Budget and Control Board's Division of Human Resource Management be contacted concerning the hiring of a foundation director to be compensated in part through a "productivity bonus".

State Ethics Commission

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